

Order

of the Bar Harbor Town Council

For the November 2, 2021 Town Meeting

It is hereby ordered that the following article be placed on the annual town meeting warrant with voting thereon to be held by Australian ballot.

Warrant Article

Article __ **LAND USE ORDINANCE AMENDMENT – Nonconformity** – Shall an ordinance, dated June 2, 2021, and entitled “An amendment to address an error of omission regarding nonconformity;” be enacted?

Nonconformity

An amendment to Article IV to specify that only in the shoreland districts can two or more principal uses or structures located on a nonconforming lot of record be sold separately.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is stricken. New language is underlined.]

Chapter 125, LAND USE ORDINANCE

Article IV Nonconformity

§ 125-56 Nonconforming lots.

- F. If two or more principal uses or structures exist on a single lot of record in any shoreland district, each may be sold on a separate lot provided that the State Minimum Lot Size Law (12 M.R.S.A. §§ 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

EXPLANATION

The amendment would specify that two or more principal uses or structures located on a nonconforming lot of record can be sold separately only in the shoreland districts (consistent with the Mandatory Shoreland Zoning Act), not town-wide. It would correct an error of omission where the words "in any shoreland district" were inadvertently left out of the June 8, 2010 draft order "Shoreland Standards." This error of omission has resulted in a loophole where property owners are able to split conforming lots and non-conforming lots of record resulting in the creation or increase of nonconformity beyond the shoreland districts, which was not intended.

Given under our hands and seal at Bar Harbor this seventeenth day of August, 2021:

Municipal Officers of the Town of Bar Harbor



Jefferson Dobbs, Chair



Matthew A. Hochman, Vice Chair



Gary Friedmann



Joseph Minutolo



Erin E. Cough

Valerie Peacock



Jill Goldthwait